From: John Beidelman
To: Microsoft ATR
Date: 12/14/01 1:16pm
Subject: U.S. v. Microsoft -- Public Comment in opposing settlement

I oppose the proposed settlement of the case U.S. v. Microsoft on these grounds:

1. Under the proposed settlement, Microsoft maintains its dominant monopoly in operating systems and office applications software, contrary to sound public policy. This is the root of the problem. If you control the operating system, you control the desktop, the applications, the application programming interfaces (APIs), the network, and everything else that runs atop or in conjunction with the operating system. We're talking about the crown jewels of the information age. I can't believe that this nation could bust up the anti-competitive and illegal monopolies of Rockefeller and Morgan, but can't come to grips with the challenge presented by Gates and Ballmer.

2. The proposed penalty for Microsoft's offenses pales in comparison to the additional market capitalization they achieved by their illegal and harmful conduct. (They got away with it!) Indeed, if they are allowed to pay this proposed paltry penalty with software (in lieu of cash) to needy schools, their marginal expense is negligible -- and Microsoft succeeds in capturing a new market presently held by Apple Computer. This part of the proposed penalty is preposterous! I remind you that the purpose of a penalty is to penalize, not do further harm.

3. By allowing Microsoft to "embrace and extend" internet standards and circumvent open APIs on the public internet, there is a real chance that the internet will become more and more inaccessible to those unable or unwilling to adopt Microsoft products and standards. This would be tyranny.

For these reasons and others, I oppose the proposed settlement and urge the Department of Justice to remove it from the table. Any settlement should be a cash only settlement and should provide no clauses to enable Microsoft to strengthen its negotiating position in the marketplace.

Respectfully yours,

John D. Beidelman